

AMENDED No. 74429
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUN 30 2006
Returned to applicant for correction JUL 19 2006
Corrected application filed AUG 17 2006
Map filed SEP 8 2006 under 74429

The applicant **Tommy Shearer and Tamra Shearer** hereby make(s) application for permission to change the **Point of diversion Place of use Manner of use of a portion** of water heretofore appropriated under **Claim or Right No. 113 of the Truckee River Decree said Decree entered by the District Court of the United States for Nevada in that certain action entitled, "The United States of America, Plaintiff vs. Orr Water Ditch Company, et al., Defendants", Equity Docket A-3.**

1. The source of water is **Truckee River**
2. The amount of water to be changed **2.17 afa and a pro-rata share of the diversion rate**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **As Permitted**
5. The water is to be diverted at the following point **SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, T19N, R18E, MDB&M, or at a point from which the Northwest quarter corner of Section 15, T19N, R18E, MDB&M bears South 75 16' East a distance of 1650.0 feet. Highland Ditch per Orr Ditch Decree.**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, T19N, R18E, MDB&M, or at a point from which the Northwest quarter corner of Section 15, T19N, R18E, MDB&M bears South 75 16' East a distance of 1650.0 feet. Highland Ditch per Orr Ditch Decree.**
7. Proposed place of use **In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M. Also referred to as APN 400-151-05 prior APN 005-211-08 as shown on TR-011 on file in the office of the Division of Water Resources, State of Nevada. Refer to the map filed with Application No. 74544**
8. Existing place of use **0.578 acres in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M. APN 005-190-10 as shown on TR-011 on file in the office of the Division of Water Resources, State of Nevada.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed.**
11. Description of proposed works **Municipal purposes**
12. Estimated cost of works **completed**
13. Estimated time required to construct works **completed**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**

74429

15. Remarks:

By W.R. Roggenbuhl
s/ W.R. Roggenbuhl
1479 S. Wells Ave. #6
Reno, Nevada 89502

Compared mt/bk lb/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claim 113, Truckee River Final Decree, is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 0.58 acres within the described place of use. The period of use is decreed.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0070 cubic feet per second or 2.18 acre-feet as decreed, and not to exceed a yearly duty of 3.75 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

June 25, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

June 25, 2012

Map in support of proof of beneficial use shall be filed on or before:

June 25, 2012

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 25th day of June, A.D. 2007

Tracy Taylor P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____